

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

SUPPLEMENTAL ORDER REGARDING

ELECTIONS, UNIT: O-40

(herein "Subject Drilling Unit")

DOCKET NUMBER VGOB-93/04/20-0361

REPORT OF BOARD

FINDINGS AND ORDER

1. This Supplemental Order is entered by the Board sua sponte in the form authorized by the Board at its hearing held at 9:00 a.m. on October 20, 1992, Board of Supervisors Room, Courthouse, Grundy, Virginia, and pursuant to authority granted to the Board's Chairman at the hearing of the Virginia Gas and Oil Board on June 16, 1992 at 9:00 a.m. at the Rhododendron Restaurant at the Breaks Interstate Park, Breaks, Virginia; and this Supplemental Order is being recorded for the purpose of (1) complying with the requirements of § 7.c of the Virginia Gas and Oil Board Regulations, VR 480-05-22.2 by supplementing the Order previously issued by the Board for the subject Docket on June 23, 1993 recorded at Deed Book 410, Page 763 in the Office of the Clerk of the Circuit Court, Buchanan County, Virginia on July 1, 1993 (herein "Board Order") to complete the record regarding elections. The Board Order pooled all interests in Subject Drilling Unit including those of the Respondents more particularly set forth and identified by the Designated Operator in the affidavits attached hereto and made a part hereof. The Board finds it has jurisdiction over the subject matter pursuant to the provisions of the Virginia Gas and Oil Act, § 45.1-361.1 et seq., Virginia Code, 1950 as amended.

2. Findings: The Board finds that:

(a) The Board Order directed Pocahontas Gas Partnership (herein the "Designated Operator"), to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by said Board Order;

(b) The Designated Operator filed its affidavit of mailing dated August 13, 1993 disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

(c) The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make his or her election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the Designated Operator has filed its affidavit dated January 12, 1994 in accordance with 7.c of the Virginia Gas and Oil Board Regulations and VR 480-05-22.2 (herein "Affidavit of Election"), wherein it has, for each Respondent whose interests, if any, were pooled by said Board Order, stated: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of the election made, if any; (iii)

whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Designated Operator;

(d) The Board Order further required the Designated Operator, after expiration of the election period, to file with the Board a statement of the interests subject to escrow under the terms and provisions of the Board Order, in light of the elections made or deemed to have been made (herein "Statement of Interests"); that the Designated Operator furnished said Statement of Interest as part of its Affidavit of Election. A copy of which is attached hereto.

(e) Current Board standards requiring the escrow of funds and the Board's agreement with its Escrow Agent, Tazewell National Bank, P. O. Box 909, Tazewell, Virginia 24651, or any successor named by the Board, require the entry of a Supplemental Order establishing of record the elections made or deemed to have been made and specifying the sums or percentage thereof subject to escrow.

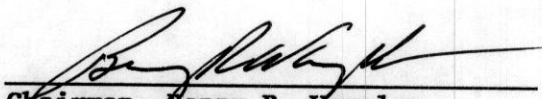
3. Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed Affidavits, any funds subject to escrow and instructs the Escrow Agent, Tazewell National Bank, P. O. Box 909, Tazewell, Virginia 24651, or any successor named by the Board to establish interest-bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in said Affidavits to receive such funds and account to the Board therefore.

4. Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned order or its Attorney shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed within seven (7) days from the date of receipt of this Order to each person whose interest or claim is subject to escrow and whose address is known.

5. Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

6. Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 25th day of April 1994, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler

STATE OF VIRGINIA)
COUNTY OF WISE)

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Acknowledged on this 25th day of April, 1994,
personally before me a notary public in and for the Commonwealth of
Virginia, appeared Benny Wampler, being duly sworn did depose and say that
he is Chairman of the Virginia Gas and Oil Board, that he executed the same
and was authorized to do so.

Susan G. Garrett
Susan G. Garrett
Notary Public

My commission expires 7/31/94

DONE AND PERFORMED this 19th day of May 1994 by Order of
this Board.

Byron Thomas Fulmer
Byron Thomas Fulmer
Principal Executive to the Staff
Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF WASHINGTON

Acknowledged on this 19th day of May, 1994,
personally before me a notary public in and for the Commonwealth of
Virginia, appeared Byron Thomas Fulmer, being duly sworn did depose and say
that he is Principal Executive to the staff of the Virginia Gas and Oil
Board, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Notary Public

My commission expires 9/30/97

acknowledged on this 12/12/54
personally before me a duly qualified and legal representative of
Virginia, appeared before me and stated that he desired the same
be in the name of the Virginia Gas and Oil Board, and was authorized to do so.

[Signature]
James E. Gentry
Notary Public

by commission expires 12/31/54
TOOK AND RETURNED this 12/12/54 day of May 1954
this Board.

[Signature]
James E. Gentry
Notary Public

STATE OF VIRGINIA
COUNTY OF WASHINGTON

acknowledged on this 12/12/54
personally before me a duly qualified and legal representative of
Virginia, appeared before me and stated that he desired the same
be in the name of the Virginia Gas and Oil Board, and was authorized to do so.

[Signature]
James E. Gentry
Notary Public

by commission expires 12/31/54

VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Forced Pooling of Interests in Unit Number O-40, VGOB Docket No. 93/04/20-0359 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF Pocahontas Gas Partnership (herein "Designated Operator") REGARDING ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington (herein Affiant), being first duly sworn on oath, deposes and says:

1. That your Affiant is employed by Consol, Inc. and assigned to Pocahontas Gas Partnership, the Designated Operator, at its office located at P.O. Box 947 Bluefield, VA 24605, that your Affiant is the Designated Operator's Permit Specialist, and is authorized to give this Affidavit in its behalf;
2. That the Order entered on June 23, 1993, by the Virginia Gas and Oil Board regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;
3. That within seven (7) days of the receipt of an executed copy of the Order referred to at Paragraph 2. above, your Affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that annexed hereto and incorporated herein are copies of the letters of transmittal, receipts for certified mail, and return receipts pertaining to said mailing;
4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on July 1, 1993 .
5. That the Designated Operator, Pocahontas Gas Partnership, has established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to Subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election period:

None.
6. That the interests and/or claims of the following persons (who made timely elections, or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia;

SEE ATTACHED ESCROW SHEET

VIRGINIA

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of Pocahontas Gas Partnership for Limited Pooling of interests in Unit Number G-40, VGOB Docket No. 1360420-0322 in the Eastern District of Buchanan County, Virginia

AFFIDAVIT OF Pocahontas Gas Partnership (hereinafter "Designated Operator") REGARDING ELECTIONS, ESCROW AND SUPPLEMENTAL ORDER

Casey K. Arrington (hereinafter "Affiant"), being first duly sworn on oath, deposes and says:

1. That your Affiant is employed by Conoco, Inc. and assigned to Pocahontas Gas Partnership, the Designated Operator, at its office located at P.O. Box 947, Bluefield, VA 24602, that your Affiant is the Designated Operator's Permit Specialist, and is authorized for give this Affidavit as its behalf;

2. That the Order entered on June 27, 1993, by the Virginia Gas and Oil Board regarding the captioned GOM Unit requires the Applicant to mail a true and correct copy of said Order to each person pooled by said Order;

3. That within seven (7) days of the receipt of an executed copy of the Order referred to in Paragraph 2. above, your Affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that annexed hereto and incorporated herein are copies of the letters of transmittal, receipts for certified mail, and return receipts pertaining to said mailings;

4. That the Order of the Virginia Gas and Oil Board in the captioned matter required all persons pooled thereby to tender their written objections to the Unit Operator within thirty (30) days of the date said Order was recorded in the county above named; that said Order was recorded on July 1, 1993;

5. That the Designated Operator, Pocahontas Gas Partnership, has established procedures to review all mail received and all written documents received by means other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to subject Unit; that the following persons delivered, by mail or otherwise, written elections to the Unit Operator, within the thirty day election period:

6. That the interests and/or claims of the following persons (who made timely elections; or who are deemed under the terms of the Board's Order to have leased, or who, subsequent to the pooling hearing held in the captioned matter, have leased or otherwise entered into an agreement with the Designated Operator) are subject to review under the Board's Order pooling the captioned Unit, Board Regulation and the Code of Virginia:

SEE ATTACHED ESCROW SHEET

7. That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interests and/or claims which are not subject to escrow and should, therefore, be dismissed as Respondents:

Margaret Cole - purchased by Reserve Coal Properties and leased to Pocahontas Gas Partnership

8. That pursuant to the provisions of VR 480-05-22.27.C and VR 480-05-22.2.8, annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding elections; that said annexed supplemental order sets forth and identifies the conflicting claims and/or interests which require escrow of funds pursuant to the terms of §§ 45.1-361.21.D, 45.1-361.22.A.3 and 4.;

Dated at Richlands, Virginia, this 7th day of February, 1994.

Leslie K. Arrington
Affiant

Taken, subscribed and sworn to before me by Leslie K. Arrington, the Permit Specialist, of Pocahontas Gas Partnership, a corporation, on behalf of the corporation, this 7th day of FEBRUARY 1994.

My commission expires: APRIL 23, 1997

Harry R. Randal
Notary

That after the pooling holding held in the captioned subject, the following persons have leased or entered into a voluntary agreement with the Designated Operator with regard to their interests and/or claims which are not subject to review and should, therefore, be dismissed as Respondents:

Margaret Cole - purchased by Reserve Coal Properties and leased to Pocahontas Gas Partnership

The pertinent to the provisions of VR 450-05-22.57.C and VR 450-05-22.57.E, annexed hereto and incorporated herein is a proposed supplemental order to be entered to complete the record regarding sections; that said annexed supplemental order sets forth and identifies the conflicting claims and/or interests which require review of facts pursuant to the terms of §§ 45-1-361.21.D, 45-1-361.22.A.3 and 4.

Witness my hand and the seal of the State of Virginia, this 10th day of February, 1994.

Richard L. Thompson
Attorney

Taken, subscribed and sworn to before me by Leslie E. Arrington, the Permit Specialist, of Pocahontas Gas Partnership, a corporation, on behalf of the corporation, this 10th day of February, 1994.

My commission expires: APRIL 23, 1997

Henry H. Smith
Notary

ESCROW EXHIBIT
VGOB-93/04/20-0361

POCAHONTAS GAS PARTNERSHIP

O-40 Unit

80 Acres

Well Located Within this Unit: CBM-PGP-605

TRACT OWNER/LESSEE NAME	MAP TRACT I.D.	ACRES	% UNIT	POCAHONTAS GAS PARTNERSHIP CONTROL				TYPE INTEREST				CONFLICTING CLAIM				
				OWNED		LEASED		ADVERSE		PERCENT		FEE	COAL	OIL & GAS	YES	NO
				ACRES	PERCENT	ACRES	PERCENT	ACRES	PERCENT							
Metcalf Estate, et al	1	33.84	42.301													
Metcalf Estate	1	8.46	10.57525					8.46	10.57525							X
Ruth Culbertson	1	8.46	10.57525					8.46	10.57525							X
Reserve Coal Properties	1	16.92	21.1505	16.92	21.1505											
Franks Estate, et al	2	15.04	18.8													
Franks Estate	2	7.52	9.4					7.52	9.4							X
Reserve Coal Properties	2	7.52	9.4	7.52	9.4											X
Joe Smith	3	4.75	5.94					4.75	5.94							X
P.J. Brown Heirs	7	4.31	5.39													
John R. Mullins	7	0.71833477	0.8983351					0.71833477	0.89833513							X
Oscar W. Thompson	7	0.11972318	0.1497234					0.11972318	0.14972342							X
Betty T. Scott	7	0.11972318	0.1497234					0.11972318	0.14972342							X
Edith Mae Vanhose	7	0.11972318	0.1497234					0.11972318	0.14972342							X
Ballard W. Cassidy, MD	7	0.11972318	0.1497234					0.11972318	0.14972342							X
Michael C. Ramsey	7	0.11972318	0.1497234					0.11972318	0.14972342							X
James P. Ramsey, Jr.	7	0.11972318	0.1497234					0.11972318	0.14972342							X
Susan Joyce Ramsey	7	0.02660563	0.0332724					0.02660563	0.03327247							X
Joe B. Ramsey, Sr.	7	0.07981689	0.0998174					0.07981689	0.09981741							X
William N. Ramsey, Jr.	7	0.02660563	0.0332724					0.02660563	0.03327247							X
G. Frank Ramsey	7	0.02660563	0.0332724					0.02660563	0.03327247							X
Sue Carter Sloan	7	0.35916523	0.4491648					0.35916523	0.44916487							X
John W. Gillespie	7	0.17958477	0.2245851					0.17958477	0.22458513							X
Johnnye H. Hunter	7	0.17958477	0.2245851					0.17958477	0.22458513							X
Eldridge Brown	7	0.82095158	1.0266656					0.82095158	1.02666564							X
James R. McKenry	7	0.71833477	0.8983351					0.71833477	0.89833513							X
G.I. Brown Estate	7	0.11972361	0.1497239					0.11972361	0.149723959							X
Clyton S. Grove	7	0.03990629	0.0499060					0.03990629	0.04990601							X
Doris L. Singhas	7	0.03990629	0.0499060					0.03990629	0.04990601							X
Martha Brown Short	7	0.11972318	0.1497234					0.11972318	0.14972342							X
James M. Brown	7	0.00855104	0.0106937					0.00855104	0.01069376							X
Martha C. Brown	7	0.00284891	0.0035627					0.00284891	0.00356279							X
Virginia Brown Palmer	7	0.00114021	0.0014259					0.00114021	0.0014259245							X
Benjamin Patton Brown	7	0.00114021	0.0014259					0.00114021	0.0014259245							X
Charles Henry Brown	7	0.00114021	0.0014259					0.00114021	0.0014259245							X
William David Brown	7	0.00114021	0.0014259					0.00114021	0.0014259245							X
Eugene L. Brown, Jr.	7	0.00114021	0.0014259					0.00114021	0.0014259245							X
Ruth Martin	7	0.03990629	0.0499060					0.03990629	0.04990601							X
Catherine Lee Estate	7	0.03990629	0.0499060					0.03990629	0.04990601							X
Hannah Ascut Taylor	7	0.15962947	0.1996294					0.15962947	0.19962943							X
Buford E. Steele	7	0.01995314	0.0249530					0.01995314	0.024953005							X
Mary Francis Carter	7	0.01995314	0.0249530					0.01995314	0.024953005							X
Margaret Cole	4	0.61	0.76	0.61	0.76											X
Hurt & McGuire Heirs	5	0.38	0.48					0.38	0.48							X
Hurt & McGuire Heirs	6	18.19	22.738					18.19	22.738							X
Hurt & McGuire Heirs	8	1.56	1.95					1.56	1.95							X
Hurt & McGuire Heirs	9	1.32	1.65					1.32	1.65							X
TOTAL		80	100.009	25.05	31.3105	55.1096374	68.898139402									

ADONIS-0896-2646(2007)0000-0000

80 Acres
Well Located Within this Unit CBM - PGP - 605

[illegible]

the Virginia Escrow Agent due to conflicting claims - 62.81 acres - 78.5125%
 conflicting claim) - 15.91 acres - 19.8875%
 with the Virginia Escrow Agent due to being unleased and/or conflicting claim 1.28 acres - 1.6%

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed admitted to record this 20th day of May, 1994 3:34 P M
Deed Book No. 422 and Page No. 461
Returned to: Dept of Mines and
Albuquerque, NM 87102
TESTE: [Signature] Clerk

[The body of the document contains several paragraphs of text that are extremely faint and illegible due to poor scan quality. The text appears to be organized into sections, possibly separated by headings or subheadings, but the specific content cannot be discerned.]

The following is a list of the
 names of the persons who have
 been appointed to the various
 positions in the office of the
 Secretary of the State of
 New York, for the year 1900.
 The names are arranged in
 alphabetical order, and the
 positions are given in the
 margin.

The following is a list of the
 names of the persons who have
 been appointed to the various
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 Secretary of the State of
 New York, for the year 1900.
 The names are arranged in
 alphabetical order, and the
 positions are given in the
 margin.

1369

CLERK'S OFFICE CIRCUIT COURT
BUCHANAN COUNTY, VIRGINIA
Filed and admitted to record,
this 20th day of May, 1994
at 3:34 o'clock P.M.
Recorded Deed Book Page
039 State Tax
213 County Tax
212 Transfer
301 Recording 16.00
038 State Tax
220 Local Tax
145 VSLF 1.00
Total 17.00
Teste James M. Bevins, Jr., Clerk AT
By D.C.

Department of Mines, Minerals and Energy
DIVISION OF GAS & OIL
POST OFFICE BOX 1416 • 230 CHARWOOD DRIVE
ABINGDON, VIRGINIA 24210